

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 706

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO ATVS, UTVS, SPECIALTY OFF-HIGHWAY VEHICLES AND MOTORBIKES;  
AMENDING SECTION 49-302, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM  
LICENSING FOR CERTAIN OPERATORS OF ATVS, UTVS, SPECIALTY OFF-HIGHWAY  
VEHICLES AND MOTORBIKES, TO REQUIRE CERTAIN UNLICENSED OPERATORS TO  
COMPLETE A SAFETY COURSE, TO PROVIDE FOR CERTIFICATES OR PROOFS OF  
COMPLETION AND TO DEFINE A TERM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-302, Idaho Code, be, and the same is hereby  
amended to read as follows:

49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons  
are exempt from licensing if driving privileges are not suspended, canceled,  
revoked, disqualified, denied or refused:

(1) Any person while driving or operating any farm tractor or implement  
of husbandry when incidentally operated on a highway.

(2) Farmers are exempt from obtaining a class A, B or C driver's license  
to operate a commercial motor vehicle which is:

(a) Controlled and operated by a farmer, including operation by employ-  
ees or family members; and

(b) Used to transport either agricultural products, farm machinery,  
farm supplies, or both, to or from a farm; and

(c) Not used in the operations of a common or contract motor carrier;  
and

(d) Used within one hundred fifty (150) miles of the person's farm.

(3) Any person is exempt from obtaining a class A, B or C driver's li-  
cense for the operation of commercial motor vehicles which are necessary to  
the preservation of life or property or the execution of emergency govern-  
mental functions, are equipped with audible and visual signals, and are not  
subject to normal traffic regulations.

(4) Any person is exempt from obtaining a class A, B or C license to op-  
erate a commercial vehicle which is exclusively used to transport personal  
possessions or family members for nonbusiness or recreational purposes.

(5) A nonresident who is at least fifteen (15) years of age and who has  
in his immediate possession a valid driver's license issued to him in his  
home state or country may operate a motor vehicle in Idaho only as a class D  
operator with driving privileges restricted to daylight hours only except as  
provided in section 49-307(9), Idaho Code, and with full privileges at six-  
teen (16) years of age, and only if Idaho residency is not established.

(6) A nonresident who is at least fifteen (15) years of age and who has  
in his possession a valid driver's license with a motorcycle endorsement or  
who has a valid motorcycle driver's license issued to him in his home state or  
country may operate a motorcycle in Idaho with driving privileges restricted

1 to daylight hours only, and with full privileges at sixteen (16) years of  
2 age.

3 (7) A nonresident who has in his immediate possession a valid commer-  
4 cial driver's license issued to him in his home state or country may operate a  
5 motor vehicle in Idaho.

6 (8) A nonresident on active duty in the armed forces of the United  
7 States who has a valid driver's license issued by his home jurisdiction,  
8 and such nonresident's spouse or dependent son or daughter who has a valid  
9 driver's license issued by such person's home jurisdiction.

10 (9) Any active duty military personnel, active duty U.S. coast guard  
11 personnel, and members of the reserves and national guard on active duty in-  
12 cluding personnel on full-time national guard duty, personnel on part-time  
13 training and national guard military technicians who as civilians are  
14 required to wear military uniforms and are subject to the code of military  
15 justice, are exempt from obtaining a commercial driver's license to operate  
16 military vehicles. This exemption does not apply to U.S. reserve techni-  
17 cians.

18 (10) Any person with a valid driver's license issued in their name is ex-  
19 empt from the requirement to obtain a motorcycle endorsement on the license  
20 when operating a motorcycle on highways or sections of highways designated  
21 for unregistered motorcycle use under section 49-426(3), Idaho Code.

22 (11) Any person under the age of sixteen (16) years when operating an  
23 ATV, UTV, specialty off-highway vehicle or motorbike on roads on federal or  
24 state land where the road is not part of the highway system of the state of  
25 Idaho or any ~~political subdivision thereof when the person~~ local road man-  
26 agement authority and is supervised by a licensed adult operator eighteen  
27 (18) years of age or older, and the road is open for such use. Unlicensed  
28 operators on national forest roads must have completed a state approved mo-  
29 torbike or ATV safety course. A certificate or proof of completion shall  
30 be in the possession of the unlicensed operator of any ATV, UTV, specialty  
31 off-highway vehicle or motorbike or present in the vehicle at all times when  
32 the vehicle is operated within the state. The certificate or proof of com-  
33 pletion shall be provided for inspection to any peace officer upon request.  
34 No person shall be convicted of violating the provisions of this subsection  
35 if that person produces, at any time prior to conviction, the certificate  
36 or proof of completion of the required safety course where the certificate  
37 shows completion of the course prior to the violation.

38 For purposes of this subsection, "supervised" means that the supervis-  
39 ing adult must be in a position, on another ATV, UTV, specialty off-highway  
40 vehicle or motorbike or, if on the ground, within three hundred (300) feet of  
41 the unlicensed operator, to provide close support, assistance or direction  
42 to the unlicensed operator.